

Serial No.: 09/542,205  
Inventor(s): De Mott et al.

U.S. PTO Customer No. 25280  
Case No.: 2172

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: De Mott et al.  
Serial Number: 09/542,205  
Filed: April 4, 2000  
For: **Pile Fabric Having Conditioned Pile Ends**  
Group Art Unit: 1771  
Examiner: Juska, Cheryl Ann

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3-28-03  
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Commissioner for Patents  
Washington, D. C. 20231

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**RESPONSE TO OFFICE ACTION**

In response to the Office Action dated September 18, 2003, Applicant submits the following Amendments and Remarks.

**REMARKS**

The above-referenced Office Action included the following rejections, objections, and comments:

1. Claims 3 and 4 were rejected under 35 USC 102(b) and 35 USC 103(a).
2. Claims 1, 2, and 5 were rejected under 35 USC 103(a).

In response to these rejections, objections, and comments, and in view of the above Amendments, Applicant provides the following Remarks:

**1. Rejection of Claims 3 and 4 Under 35 USC 102(b) and 35 USC 103(a)**

Claims 3 and 4 were rejected under 35 USC 102(b) as being anticipated by, or in the alternative, under 35 USC 103(a) as being obvious over EP 784 114, issued to Huth et al. (hereinafter "Huth").

Applicants respectfully submit that a prima facie case of anticipation or obviousness has not been established, and the burden of proof has been impermissibly shifted to Applicants under *In re Fitzgerald*, 619 F.2d 67, 205 USPQ 594 (CCPA 1980)